

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

LOUIS CASTRO PEREZ

V.

**NATHANIEL QUARTERMAN,
DIRECTOR, TEXAS DEPARTMENT
OF
CRIMINAL JUSTICE-
INSTITUTIONAL
DIVISION**

1:09-cv-00081-LY

DECLARATION OF SADAF KHAN

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

1. My name is Sadaf Khan. I am a solo practitioner in Austin, Texas.
2. Petitioner Louis Castro Perez's case is my first death penalty case and my first habeas case.
3. I currently represent Petitioner Louis Perez on a *pro bono* basis and have neither requested nor received any payments for my representation of Mr. Perez.
4. On March 5, 2012 I filed Objections to Magistrate Judge Austin's Report and Recommendation.
5. On March 27, 2012, District Judge Yeakel issued a final judgment denying the issuance of a certificate of appealability and denying Petitioner's Amended Application for Writ of Habeas Corpus.

6. Due to no fault of Petitioner Mr. Perez and due to an unexpected personal medical issue related to my current pregnancy, I did not notify Mr. Perez of Judge Yeakel's final judgment in time to file a timely Notice of Appeal.
7. If necessary, I am willing to issue a declaration *ex-parte* to the Court regarding my illness and circumstances during the relevant time period.
8. I have sent Petitioner Mr. Perez a copy of the Final Judgment by US Mail on June 25, 2012, which is within seven days of the filing of the Motion to Reopen pursuant to Federal Rule of Appellate Procedure 4(a)(6).
9. Petitioner Mr. Perez was not aware of the fact that a Notice of Appeal was not filed. It is my understanding that Petitioner Mr. Perez wants to continue to appeal his federal habeas case to the United States Court of Appeals and the Supreme Court.
10. Permitting Petitioner Mr. Perez to reopen the time for filing the Notice of Appeal will not prejudice the State. The State will still be able to oppose the appeal in the Fifth Circuit if it wishes to, and its ability to argue against the appeal points will not be harmed and the State will not be prejudiced by having the appellate process initiated at this point.
11. I declare under penalty of perjury that the foregoing is true and correct. Executed on June 25, 2012.

/s/ Sadaf Khan
Sadaf Khan
Attorney for Petitioner
Texas State Bar No. 24028983